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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,498	09/19/2003	Frederick James Diggle III	030489	8960
26285	7590	12/02/2004	EXAMINER	
KIRKPATRICK & LOCKHART LLP			GRANT, ALVIN J	
535 SMITHFIELD STREET			ART UNIT	
PITTSBURGH, PA 15222			PAPER NUMBER	

3723

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/666,498

**Applicant(s)**

DIGGLE ET AL.

**Examiner**

Alvin J Grant

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-3, 6-8, 11, 13, 14 and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamakawa '296.

Yamakawa discloses a hand tool comprising: a socket body including a first socket defining a first cavity at first end of the socket body and a second socket defining a second cavity independent of the first cavity and connected to the second end of the socket body, and a shaft arm connected to the socket body extending radially therefrom as a means for torquing the socket body; the shaft arm is connected perpendicular to the socket body; the socket body is cylindrical; the first cavity defines a first opening for receiving a first fastener to be turned by the tool, and the second cavity defines a second opening for receiving a second fastener to be turned by the tool, wherein the size of the first opening does not equal the size of the second opening; the self socket includes a self forming socket (Fig. 1); the first socket is detachably connected to the socket body (Fig. 7) the shaft arm is disposed around the socket body; and the shaft arm is connected at the longitudinal center of the socket body Figs. 7 and 8).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 4, 5 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamakawa in view of Tuttle '438.

Yamakawa is described above. Yamakawa does not specifically disclose a hexagonal-shaped handle. Tuttle discloses a wrench comprising a hexagonal handle so as to provide the capability of engaging the head of fasteners having female hexagonal-shaped slots. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the wrench of Yamakawa to have an hexagonal-shaped handle as taught by Tuttle so as to provide the capability of engaging the head of fasteners having female hexagonal shaped-slots.

5. Claims 9 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamakawa in view of Tuttle in further view of Gibson '387.

Yamakawa as modified is described above. The modified Yamakawa does not specifically disclose a shaft welded or cast to the socket body. Gibson discloses a wrench wherein the shaft is welded and cast to the socket body so as to make the shaft inseparable from the socket body. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have welded the shaft to the socket body and, in another instance, cast the shaft with the socket body of the modified Yamakawa apparatus as taught by Gibson so as to make the shaft inseparable from the socket body.

6. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamakawa in view of Tuttle and Gibson, and in further view of Rowe '543.

Yamakawa as modified is described above. The modified Yamakawa does not specifically disclose a shaft arm disposed in an opening defined by the socket body. Rowe discloses a wrench wherein the shaft arm is disposed in an opening defined by the socket body so that it may be detached therefrom. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have secured the shaft of the modified Yamakawa in an opening in the socket body as taught by Gibson so as to make the shaft and the socket body detachable.

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### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin J Grant whose telephone number is (703) 305-3315. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J Hail can be reached on (703) 308-2687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ajg

A handwritten signature in black ink, appearing to read "Joseph J. Hail, III". The signature is fluid and cursive, with a stylized "H" and a small mark at the end.

Joseph J. Hail, III  
Supervisory Patent Examiner  
Technology Center 3700